

Express Mail No. EV 552 120 237 US
IN THE U.S. PATENT AND TRADEMARK OFFICE

Appl. No. : PCT/IB2003/02088
Applicant : Nokia Corp.
Int'l Filing Date : 29 May 2003
Priority Date : 1 July 2002
Authorized Officer : Fan, Chieh M.

Docket No. : 873.0115.U1(WO)
Customer No. : 29683

Title : METHOD AND APPARATUS TO ESTABLISH CONSTELLATIONS FOR IMPERFECT
CHANNEL STATE INFORMATION AT RECEIVER

ATTN: PCT LEGAL STAFF
Mail Stop Pct
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
INTERNATIONAL PATENT APPLICATION**

Sir:

Applicant hereby petitions the Commissioner to revive, under 37 C.F.R. § 1.137(b), the above referenced PCT patent application that became abandoned without the Applicant entering national stage in the U.S. The referenced application claims priority to July 1, 2002. The thirty-month period for entering national stage in the U.S. expired after Jan. 1, 2005. The Applicant entered national stage in other countries/regions, but inadvertently failed to enter national stage in the U.S. Applicant presents the following items with this Petition:

- U.S. National Stage Entry filing from PCT/IB2003/002088.
- A draft in the amount of \$3550 as provided under 37 C.F.R. 1.17(m) (petition fee, \$1500) and fees for entering national stage in the U.S. The Patent Office is

authorized to charge Deposit Account No. 50-1924 for any discrepancy between the amount due and the amount enclosed.

- Applicant hereby asserts that the entire delay from the date immediately prior to abandonment to the date of this Petition was unintentional. The reason for delay is detailed below.

Remarks

Consistent with our typical practice, the Applicant believed there was a patent application in the U.S. that was co-pending with the referenced PCT application, and that recited similar subject matter. The Applicant instructed the undersigned representative to enter national stage in certain countries, not including the U.S., prior to expiration of 30 months from the PCT priority date. The undersigned representative realized on Jan. 24, 2005 that there was in fact no co-pending application in the U.S. The Applicant hereby asserts that the entire delay was unintentional, from the date immediately prior to abandonment of the PCT Application without entry into national stage in the U.S., to the date of this Petition.

The Applicant's Request filed with the subject PCT application designated the U.S., in addition to other countries. By Notice dated Jan. 8, 2004, the International Bureau informed the Applicant that the subject PCT Application had been communicated to the U.S. The Applicant filed a Chapter II Demand with the IPEA/US on Jan. 26, 2004. An International Preliminary Examination Report was issued by the IPEA/US on April 2, 2004. The above indicate that the U.S. was a designated country continually from the filing of the subject PCT Application.

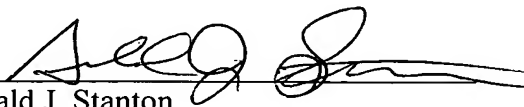
The Applicant submits herewith documentation for national stage entry in the U.S. from the subject PCT Application, if this petition is granted.

Applicant further submits an Information Disclosure Statement and PTO 1449 listing all references cited in related cases pending in the U.S.

Int'l Application No.: PCT/IB03/02088
Petition dated January 27, 2005
Entry of National Stage in U.S.

The Applicant respectfully requests that the PCT Legal staff grant this petition, and revive the subject PCT Application for the purpose of entering U.S. national stage.

Respectfully submitted:


Gerald J. Stanton
Reg. No.: 46,008

January 27, 2005
Date

Customer No.: 29683
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#2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
873.0115.U1(WO)

First named inventor: Nokia Corporation

Application No.: PCT/IB2003/02088

Art Unit:

Filed: 29 May 2003

Examiner:

Title: Method and Apparatus to Establish Constellations for Imperfect Channel State Information at Receiver

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of U.S. National Stage Entry filing in the U.S. _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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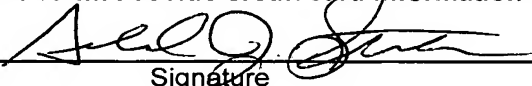
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<p><u></u> Signature</p> <p>_____ Gerald J. Stanton Typed or printed name</p> <p>_____ Harrington & Smith, LLP Address</p> <p>_____ 4 Research Drive, Shelton, CT 06484-6212 Address</p>	<p><u>Jan 27, 2005</u> Date</p> <p>_____ 46,008 Registration Number, if applicable</p> <p>_____ 203-925-9400 Telephone Number</p>
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- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: U.S. National Stage Entry filing with attachments


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~Express~~ Express mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

1/27/05
Date


Signature

Cathy Raetz (Express Mail EV552 120 237 US)
Typed or printed name of person signing certificate